

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

Stephon Lindsay, #207044,

2007 MAY -8 A 9:22

Full name and prison number
of plaintiff(s)

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

v.

CIVIL ACTION NO. 2:07CV399-mht
(To be supplied by Clerk of
U.S. District Court)

Richard Allen, Commissioner,

Alabama Department of Corrections,

et al., (See Attachment)

DEMAND FOR JURY TRIAL

Name of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES () NO (X)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES () NO (X)
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county)

N/A

3. Docket number N/A
4. Name of judge to whom case was assigned N/A
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A
6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition N/A

II. PLACE OF PRESENT CONFINEMENT Ventress Correctional Facility,
P.O. Box 767, Clayton, AL 36016

PLACE OF INSTITUTION WHERE INCIDENT OCCURRED Bullock
County Correctional Facility, P.O. Box 767, Union Springs, AL 36089

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR
 CONSTITUTIONAL RIGHTS.

	NAME	ADDRESS
1.	Richard Allen, Commissioner, ADOC	101 South Union St., Montgomery, AL 36130 Union Springs,
2.	Warden Cummins, Bullock County Corr. Fac.	P.O. Box 5107, AL 36089 Union Springs,
3.	S. Giles, Warden, Bullock County Corr. Fac.	P.O. Box 5107 AL 36089 Union Springs,
4.	S. Nettles, Captain, Bullock County Corr. Fac.	P.O. Box 5107 AL 36089 Union Springs,
5.	R. Perry, Sergeant, Bullock County Corr. Fac.	P.O. Box 5107 AL 36089
6.	See Attachment	

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED 8 January, 2007

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION
 THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Used or condoned the use of excessive force against
Plaintiff in violation of his rights under the Eighth Amendment to the
Constitution.

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

On January 8, 2007 Plaintiff was brutally beaten by correctional officers
at Bullock County Corr. Fac. He was beaten while handcuffed and also
beaten while in the infirmary. See Attached Affidavit for details.

Supervisors, including Commissioner Allen are aware of a pattern of violence
involving certain officers at Bullock County Corr. Fac.

GROUND TWO: Deliberate indifference to serious medical needs by both
prison administration and officers, as well as nurses and doctors.

SUPPORTING FACTS: Plaintiff sustained a broken wrist and numerous
other serious injuries as the result of a beating by prison guards. No
x-ray was taken for 6 days and no treatment for injuries for 11 days.
Denied medication for pain and infection, by both officers and nurses,
as well as doctor.

GROUND THREE: N?A

SUPPORTING FACTS: 1

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

(1) Trial by jury. (2) Declaratory judgment on all issues and claims.

(3) Finding of liability against ADOC officers for Plaintiff's injuries.

(4) Monetary compensation in the amount of \$500,000 compensatory damages

and double punitive damages both individually and official capacity.

Stephen Lindsay
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on 5 May, 2007
(Date)

Stephen Lindsay
Signature of plaintiff(s)

CIVIL RIGHTS COMPLAINT FORM

EBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

v.

CIVIL ACTION NO. _____
(To be supplied by Clerk of
U.S. District Court)

**A. Jackson, Correctional Officer,
Bullock County Correctional
Facility,**

Baskin, Correctional Officer,	*
Bullock County Courrectional	*
Facility,	*
	*
Martin, Correctional Officer,	*
Bullock County Correctional	*
Facility,	*
	*
Hill, Correctional Officer,	*
Bullock County Correctional	*
Facility,	*
	*
Curry, Correctional Officer,	*
Bullock County Correctional	*
Facility,	*
	*
Beecham, Correctional Officer,	*
Bullock County Correctional	*
Facility,	*
	*
Bailey, Correctional Officer,	*
Bullock County Correctional	*
Facility,	*
	*
Hanes, Correctional Officer,	*
Bullock County Correctional	*
Facility,	*
	*
John Doe(s), Correctional Officer(s),	*
Bullock County Correctional	*
Facility, (Officer's Names	*
unknown at this time),	*
	*
Prison Health Services, Inc.,	*
Alabama Department of Corrections	*
Corrections Inmate Health Care	*
Provider,	*
	*
Dr. Sadique, Prison Health Services,	*
Inc, Bullock County	*
Correctional Facility Infirmary,	*
	*
Nurse Ethen, Prison Health Services,	*
Inc., Bullock County	*
Correctional Facility Infirmary,	*
	*
Nurse Dubois, Prison Health Services,	*
Inc., Bullock County	*
Correctional Facility Infirmary,	*
	*
Nurse Jane Doe, (Name unknown at	*
this time; Older African-	*
American female), Prison	*
Health Services, Inc., Bullock	*
County Correctional Facility	*
INfirmary,	*

John Doe, (Name unknown at this
time; Alabama Department of
Corrections, Investigations
and Intelligence Division,
(I/I), (African-American
male, 45-55 years of age,
glasses),

et al.,

Individual and in their official
capacity,

Defendant(s).

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Section III. Name and address of individual(s) you allege violated your
Constitutional rights.

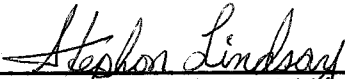
- | | |
|---------------|--|
| 1. J. Hudson | Bullock County Correctional Facility
P.O. Box 5706, Union Springs, AL 36089 |
| 2. L. Herbert | Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089 |
| 3. Screecher | Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089 |
| 4. Hampton | Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089 |
| 5. Talley | Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089 |
| 6. Bennett | Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089 |
| 7. A. Jackson | Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089 |
| 8. Baskin | Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089 |
| 9. Martin | Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089 |
| 10. Hill | Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089 |
| 11. Curry | Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089 |
| 12. Beecham | Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089 |

13. Bailey Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089
14. Hanes Bullock County Correctional Facility
P.O. Box 5107, Union Springs, AL 36089
15. Dr. Sadique Bullock County Correctional Facility
Prison Health Services, Inc. Infirmary
P.O. Box 5107, Union Springs, AL 36089
16. Nurse Ethen, Bullock County correctional Facility
Prison Health Services, Inc. Infirmary
P.O. Box 5107, Union Springs, AL 36089
17. Nurse Dubois Bullock County Correctional Facility
Prison Health Services, Inc. Infirmary
P.O. Box 5107, Union Springs, AL 36089

Section VI. State briefly what you want the court to do for you.
(continued)

- (5) A finding that criminal charges against the officers involved are due to be filed.
- (6) A judgment directing Defendant(s) to reimburse Plaintiff for all the costs incurred in the prosecution of this meritorious complaint.
- (7) Any and all forms of relief that he is entitled to.
-

I declare under penalty of perjury that the foregoing is true and correct.

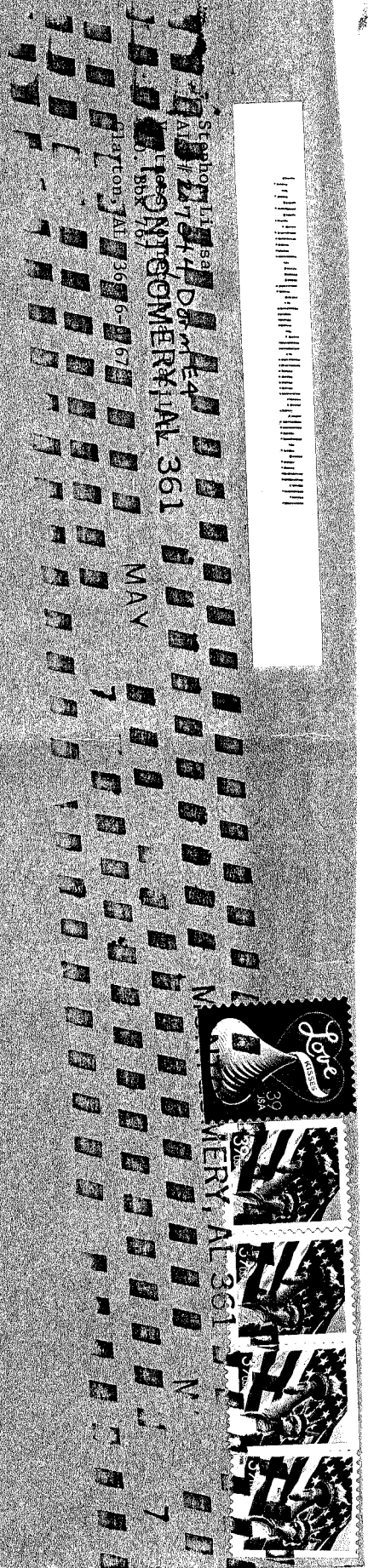


Signature of Plaintiff(s)

Executed on 5 May 2007
(Date)

THIS CORRESPONDENCE IS FORWARDED
FROM AN ALABAMA STATE PRISON THE
CONTENTS HAVE NOT BEEN EVALUATED
AND THE ALABAMA DEPARTMENT OF
CORRECTIONS IS NOT RESPONSIBLE FOR
THE SUBSTANCE OR CONTENT OF THE
ENCLOSED COMMUNICATION

Office of the Clerk
United States District Court
P.O. Box 711
Montgomery, AL 36101-0711



2:07CV399-mht

STATE OF ALABAMA
COUNTY OF BARBOUR

RECEIVED

AFFIDAVIT

2007 MAY -8 A 9:22

Before me, Carolyn R Abercrombie, a notary public
in and for said County and State, personally appeared Stephon Lindsay, and
being duly sworn, deposed and says on oath that the averments contained in
the foregoing are true to the best of his ability, information, knowledge,
and belief, as follows:

"My name is Stephon Lindsay. I am over the age of twenty-one years.
I am personally familiar with all of the facts set forth in this affidavit.

These facts are relevant to the brutal beating I was given by correct-
ional officers at Bullock County Correctional Facility, an Alabama Department
of Corrections facility located in Union Springs, Alabama. These events
began on January 8th, 2007.

At around 4:00 p.m. on January 8th, 2007 I was sitting on the bleachers
in the gym at Bullock County Correctional Facility. The prison canteen is
in the gym and it was operating at the time. I was wearing a set of state
whites and a long state issued coat that came down about to my knees. There
was a female operating the canteen. The fly of my pants was unbuttoned but
my coat covered it.

At this time, I noticed the gym officer was watching me. I leaned back
on the bleachers and just relaxed. The gym officer walked outside, then
came back into the gym about 2 minutes later. He had another officer
with him. The gym officer's name is J. Hudson and with him was Officer
Herbert.

The two officers split up and approached me from two different directions.
Officer Herbert was holding his baton down at his side. When they got close
to where I was sitting they stopped, and Officer Hudson said to me, 'Come here.'

I calmly got up off the bleachers and walked over towards Officer Hudson. As I approached him, he reached out and pushed me in the chest and I went staggering back. I said 'Hey, why did you push me?' and he answered 'You're in my reactionary zone.' There were many inmates standing around the gym observing what was going on.

I said to Officer Hudson 'You didn't have to push me, all you gotta do is tell me what to do and I'll do it.' Officer Hudson told me again, 'Come here.' So, even calmer and more wary than before, I did as he commanded, but this time I stopped a little further away, out of arms length, from him that the first time. He took a step towards me to get closer and said to me, 'What are you doing in the gym?' I told him just "hanging out and sweating the store."

Then, Officer Hudson said to me, 'Lift you jacket up.' So, I lifted my jacket up and Officer Hudson saw that my fly was unbuttoned. He said to me, 'You're in here masturbating, aren't you?' I responded, 'No, my pants are just unbuttoned,' and I reached down to button my pants.

Officer Hudson pushed me again in the chest and this time I almost fell off my feet. But I caught my balance, then put my hands in the air and said, "Look, I don't want no problem, so just tell me what to do or where to go, and I'll go." At this point, my arms were in the air over my head. Then Officer Hudson just reached out, grabbed me, and started violently shaking me back and forth. Officer Herbert started beating me with the baton he had been holding, so I dropped my arms, grabbed Officer Hudson, and steered him around until he was between me and Officer Herbert, who was still beating me with the baton.

AFFIDAVIT

STEPHON LINDSAY

PAGE 2

I may have fell onto or near the bleachers at this point. I believe i jumped back up real quick but I'm not sure - my memory is vague due to the officers ramming my head into the wall and beating me in the fact.

I broke out of Officer Hudson's grip and he also took out his baton and started swinging at me, as was Officer Herbert. Then, Officer Herbert moved in closer to me and I caught his baton. I pulled him closer to me so I could hit him and swung at this face. He leaned back and I missed his face and I let go of the baton and fell backwards. Officer Hudson ran up to me and swung his baton at me and I caught it in the air and we wrestled for possession of the baton and it flew out of our hands. I ran to pick it up but Officer Hudson tackled me from behind and we both went down. I got up first, looked at him, then looked at the baton, and decided it would not be a good idea for me to pick it up, so I ran past the baton and outside. I ran outside to escape the beating and stopped a few feet from the door of the gym. I was again tackled by Officer Hudson and I jumped up and again threw my hands in the air.

I would like to point out that up until this point, neither Officer Herbert nor Officer Hudson had given me an order or told me to do anything. They started beating me without provocation. I kept putting my hands in the air to show them I did not want to fight them.

As I stood with my hands in the air, Officer Hudson got up, ran up to me, and smashed his baton into my wrist. I believe this is when my wrist was broken. I backed away from Officer Hudson and ran over to Officer Hampton, with my hands still in the air, and begged Officer Hampton to stop the other officers from beating me. He at first made an attempt to stop them, but by this time there were too many other officers there and some of them pushed him away from me.

Officer Hudson maced me in the face as I was screaming at him and begging him to stop beating me. I was screaming that my wrist was broke. I couldn't see good because of the mace but there were a lot of officers beating me with their batons. I could hear inmates yelling at them to stop the beating.

I tried to get behind other inmates to protect myself, but I was cut off by Officer A. Jackson. I was surrounded by officers, who were beating me with their batons from every angle. I told Officer Jackson, "I'm not bucking, stop beating me." He told me to get on the ground.

I dropped to the ground on my back and the officers moved in and surrounded me and continued to beat me with their batons. It was hard to tell how many officers were beating me but the pain was worse on my left side, so I tried to protect that side. I covered my face with my arms and looked up at Officers J. Hudson and A. Jackson, the two officers who were beating me on my left side. Officer Hudson bloodied my forearm by constantly smashing it with his baton. Officer Jackson busted my left leg open in three places by beating me there after I had surrendered and stopped putting up any resistance. Finally, they stopped beating me and told me to roll over - so I did - and they jacked my arms up real high behind my back.

I was screaming about my broken wrist and they led me into the gym and while they were taking me to the infirmary Officer Talley said, 'When you get to the infirmary you're gonna get some more.' As we got to the infirmary Officer Talley rammed my head into the wall twice (I was cuffed at this time) and they took me into the infirmary and I sat down on the examining table.

As I sat on the examining table, still cuffed waiting for the nurse to examine me, the following officers took turns jabbing me in the face: Off. Hill, Off. Baskin, Off. Martin, Off. Jackson. They did this while I screamed about my wrist and telling them to stop beating me.

Officer Bennett came into the infirmary and as I was speaking to him, he yelled 'Shut up!' real loudly in my face. Officer Curry came into the infirmary, took one look at me, said 'Oh, hell no, I know him,' and walked back out of the infirmary.

There were three nurses present that witnessed the beating in the infirmary. One was an older black lady, I don't know her name. The other was Nurse Ethen (not sure of the spelling). The third one, (also unknown by name) suggested I get a tetanus shot. The young nurse was restraining the older one, as the older one seemed to be very nervous about the beating she was witnessing.

Another inmate, Lario Averhart, AIS #217106, was brought to the infirmary about this time. He was also cuffed. He sat down on the examining table across from me and Officer Jackson walked over to him and punched him so hard, he flew off the table and into the wall corner behind it. The officers continued to hit him and asked him why he had been saying "let's all write an affidavit." He was cuffed and charged with enticing a riot.

Officer Baskin walked over to Officer Jackin and said to him, "His arm is broken." Officer Jackson said, "SO?"

Warden Cummins, Warden S. Giles and Captain Nettles came into the infirmary. I was bleeding profusely, my left leg particularly, and I was given a tetanus shot. Warden Cummins walked over to me and asked me what happened. I told him I was in the gym and his officers started beating me and that they had beaten me while my hands were cuffed. He then left.

Officer Hampton and Captain Nettles were there. They were laughing and joking. The Captain asked Officer Hampton "Did you run to the scene or jog?" Officer Hampton said he ran. They laughed like it was all a big

joke. They were holding a mace can (I thought it was the one they sprayed me with) and they shook it and it sounded empty.

The nurses were treating me and wrapping my leg and they told me to have the leg wrapped everyday for awhile. My leg bled for more than three weeks but that was the only time it was wrapped. The nurses cleaned out the mace from my eyes. My left wrist was broken and I was still bleeding severely form my left elbow area. I was only semi-conscious and laid back on the examining table and the older nurse held a fan to my face as I regained full consciousness.

The cuffs were removed and I was ordered to remove my bloody clothes. I was left wearing only boxer shorts and boots. Captain Nettles and two other officers led me to Segregation, which is down the hall from the infirmary. When we got to Segregation Captain Nettles told me "someone called your parents - I told them that all you had was some scratches on you, and you couldn't call." They then locked me in a Segregation Cell.

More than six (6) days passed with no medical attention for my bleeding leg, broken wrist, or any of the other numerous bruises and battered places on my body.

My disciplinary hearing was held on January 11, 2007. The hearing officer was Curry, the officer witnessed the other officers assaulting me in the infirmary. I told him I had witnesses including one inmate in Segregation. Officer Curry wrote "No Witnesses" on the disciplinary form. I was found guilty of assaulting a correctional officer.

During the entire time I was in the Segregation Cell, I constantly informed the officers daily that I was in pain from the injuries I had suffered. I begged for some pain medication. It was always denied and the officers would laugh at me when I asked for medication.

On approximately 15 January, 2007, (6 days after the beating that resulted in the officers breaking my wrist, they finally x-rayed my wrist at the Bullock County Correctional Facility infirmary. The nurse, along with Dr. Sadique, showed me the x-ray and pointed out that the bone in my wrist was clearly broken in half. I asked for medication for the pain and swelling but none was prescribed, or at least I never got any.

On the 17th day of January, 2007, I was taken from Bullock County Correctional Facility to Baptist Health in Montgomery, AL. Dr. Chun explained to me that my wrist bone was broken three quarters of an inch away from it's original position and that surgery would allow me the best road to healing and to get my strength back. So, I agreed to the surgery. The surgery was performed at Baptist Health on January 19, 2007. I believe Dr. Chun prescribed some pain medication on January 19, 2007.

When I was brought back to Bullock County Correctional Facility on 19 January, 2007, at about 10:00 p.m., after the surgery, the officer that brought me back told the Segregation Officer (Bailey) to take me to the infirmary, but Officer Bailey put me back in a Segregation Cell. The pain in my left arm (from the surgery) got worse and I was constantly asking for pain medication. I begged Segregation Officer Beecham for some pain pills and he laughed at me. He said "We know who you are," and he and Segregation Officer Hanes both laughed at me.

I was constantly asking for pain medication and finally it was given to me, along with some pills to prevent infection, on or about January 21, 2007. The nurses at Bullock County Correctional Facility failed to follow the instructions of the free-world doctor (Chun) after post-operative surgery.

On or about 9 February, 2007, I was taken back to Montgomery to see Dr. Chun. He told me the staples would be taken out in about another week. I was taken back to Bullock County Correctional Facility. The staples were removed at the Bullock Infirmary on February 21st, 2007.

However, about a week before, on the 14th of February, 2007, my wound got real infected with dead skin and arm hairs. They were not cleaning it. I finally made the Segregation Officer let me see the nurse as she made her rounds through Segregation. I told her about my arm, she had the officer open the tray hole in the door, and she looked at my arm. She saw how bad it looked and immediately had them bring me to the infirmary. When I got to the infirmary she was standing there with a disgusted look on her face as another nurse cleaned my wound. The nurse that cleaned my wound was named Ms. Dubois. There was blood on the inside of the cast on my arm.

I mailed my complaints to the ADOC Commissioner on or around March 17, 2007. I had been released from Segregation on March 7, 2007. I informed Warden Cummins of my complaints on the day it happened (January 8, 2007) and again on February 12, 2007. I wrote Captain Nettles and told him of my complaints on March 8, 2007 and again on January 29, 2007.

Upon my release from Segregation, I went to the infirmary and asked about getting therapy to help me get my strength back in my left wrist. Nurse Dubois and Dr. Sadique were there. The doctor said something to the nurse that I couldn't hear. She tore off a piece of paper, balled it up, handed it to me, and told me to squeeze it. I turned around and left the infirmary.

The entire time I was in Segregation, I was never allowed to call my family. My father, Leroy Edgar Lindsay, is on my ADOC emergency notification list. At no time did anyone from Bullock County Correctional Facility or ADOC notify him of my injuries. When he called Bullock County Correctional Facility on January 8, 2007 and talked to Captain Nettles, he was told by Captain Nettles that I had a "few scratches."

Further affiant sayith not.

Stephon Lindsay
Stephon Lindsay, Affiant

Subscribed and sworn to before me this
5th day of May, 2007.

Carolyn R. Abercrombie
Notary Public
My Commission Expires August 18, 2007

Comm. Exp. Date